

**Superior Court of Washington
County of**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No.

**Motion and Declaration for
Default (Nonparental Custody)
(MTDFL)**

I. Motion

_____ [Name of moving party] moves the court for
an order of default against _____ [Name of nonmoving party
being defaulted]. Venue of this action is proper as set forth in the Declaration below.

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue pursuant to the allegations of the petition at the time of filing.

The petitioner(s) resides in _____ [County and State].

The child(ren) reside(s) in _____ [County and State].

Respondent, _____ [Name], resides in
_____ [County and State].

2.2 Jurisdiction Over Nonmoving Party

This court has jurisdiction over the nonmoving party because:

- ☐ the nonmoving party is presently residing in Washington.
- ☐ the nonmoving party was personally served with summons and petition within this state.
- ☐ the nonmoving party submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by the nonmoving party.
- ☐ the nonmoving party resided with the child in this state.
- ☐ The nonmoving party resided in this state and provided prenatal expenses or support for the child.
- ☐ The child resides in this state as a result of the acts or directives of the nonmoving party.
- ☐ The nonmoving party engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
- ☐ Other:

2.3 Service on Nonmoving Party

The nonmoving party was served with _____ [Documents]
on _____ [Date]:

- ☐ in the state of Washington.
- ☐ in _____ [State or Country where served]. Service within the state of Washington could not be made for the following reasons:

2.4 Time Elapsed Since Service on the Nonmoving Party

- ☐ The nonmoving party was served within the state of Washington and more than 20 days have elapsed since the date of service.
- ☐ The nonmoving party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- ☐ The nonmoving party was served by mail and more than 90 days have elapsed since the date of mailing.
- ☐ The nonmoving party was served by publication and more than 60 days have passed since the date of first publication.

2.6 Appearance of the Nonmoving Party

- ☐ The nonmoving party has failed to appear.
- ☐ The nonmoving party has appeared, but has failed to respond.

2.7 Servicemembers Civil Relief Act Statement-Nonmoving Party

2.7.1 ☐ The nonmoving party is not a service member or a dependent of a service member.

2.7.2 Nonmoving party – service member:

☐ is on active duty in the U.S. armed forces (excluding National Guard and reserves);

☐ is on active duty and is a National Guard member or a Reservist residing in Washington;

☐ is not on active duty in the U.S. armed forces (excluding National Guard and reserves);

☐ is not on active duty and is a National Guard member or a Reservist residing in Washington;

☐ I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces;

☐ I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington;

based upon the following facts:

☐ As indicated above, the nonmoving party is on active duty and (check all that apply):

☐ The nonmoving party is represented by an attorney.

☐ The court has appointed an attorney to represent the nonmoving party.

☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.7.3 Nonmoving party – dependent of service member;

☐ is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

☐ is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

☐ I am unable to determine whether the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

based upon the following facts:

☐ The nonmoving party failed to respond to a notice to him or her as a dependent of a person in Military Service that was ☐ served on ☐ mailed by first class mail on _____ [Date], therefore he or

she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

☐ As indicated above, the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

☐ The nonmoving party is represented by an attorney.

☐ The court has appointed an attorney to represent the nonmoving party.

☐ A stay of these proceedings ☐ has ☐ has not been entered by the court.

2.8 Other

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name